

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

LEONARD QUINN,)
Plaintiff,)
VS.) No. 15-1102-JDT-egb
WESTERN MENTAL HEALTH)
INSTITUTE, ET AL.,)
Defendants.)

**ORDER ADOPTING REPORT AND RECOMMENDATION TO DISMISS,
CERTIFYING AN APPEAL WOULD NOT BE TAKEN IN GOOD FAITH
AND DENYING LEAVE TO APPEAL *IN FORMA PAUPERIS***

On May 4, 2015, Plaintiff Leonard Quinn, who currently resides in Memphis, Tennessee, filed a *pro se* civil complaint pursuant to 42 U.S.C. § 1983, accompanied by a motion for leave to proceed *in forma pauperis*. (ECF Nos. 1 & 2.) United States Magistrate Judge Edward G. Bryant subsequently granted leave to proceed *in forma pauperis*. (ECF No. 4.) On March 9, 2016, Magistrate Judge Bryant issued a Report and Recommendation (“R&R”) in which he recommended the case be dismissed *sua sponte*. (ECF No. 6.) Objections to the R&R were due within fourteen days. *See Fed. R. Civ. P. 72(b)(2), see also Fed. R. Civ. P. 6(a)(1)(C), (d).* However, Plaintiff has filed no objections to the R&R, and the time within which to do so has expired.

Plaintiff has sued Western Mental Health Institute (“WMHI”), where he was previously a patient, as well as Randy Doles and Lt. Dickerson, security officers at the WMHI. The complaint alleges that Defendants Doles and Dickerson gave Tiffany Beasley Plaintiff’s personal property worth over \$5,000.00 after she claimed to be a relative. However, Plaintiff states that Beasley is no

relation to him. The Magistrate Judge found that Plaintiff's claims against the WMHI and the official capacity claims against Doles and Dickerson are barred by the Eleventh Amendment's grant of sovereign immunity. Therefore, the Magistrate Judge determined that the complaint failed to state a claim on which relief may be granted.

Even if the Court construes the complaint as asserting claims against Doles and Dickerson in their individual capacities, Plaintiff does not allege that the Defendants knew Beasley was not Plaintiff's sister when they gave her his property. At most, he has asserted a claim of negligence. Therefore, the Court agrees that this case should be dismissed.

The Court ADOPTS the R&R and hereby DISMISSES this case for failure to state a claim on which relief may be granted, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and Fed. R. Civ. P. 12(b)(6). Pursuant to Federal Rule of Appellate Procedure 24(a) and 28 U.S.C. § 1915(a)(3), it is CERTIFIED that any appeal in this matter by Plaintiff is not taken in good faith. Leave to proceed on appeal *in forma pauperis* is, therefore, DENIED.

The Clerk is directed to prepare a judgment.

IT IS SO ORDERED.

s/ James D. Todd
JAMES D. TODD
UNITED STATES DISTRICT JUDGE